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Viewing cable 09PANAMA639, MARTINELLI WIRETAP QUEST SHOWS DARK SIDE OF NEW GOP

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- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
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Reference ID	Created	Released	Classification	Origin
09PANAMA639	2009-08-22 14:46	2011-08-30 01:44	SECRET//NOFORN	Embassy Panama

Appears in these articles:

<http://www.mcclatchydc.com/2011/04/26/112845/cables-offer-dim-view-of-president.html>

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RUCNFB/FBI WASHINGTON DC PRIORITY
RHMFISS/JOINT STAFF WASHINGTON DC PRIORITY
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S E C R E T PANAMA 000639

NOFORN
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E.O. 12958: DECL: 08/18/2039

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SUBJECT: MARTINELLI WIRETAP QUEST SHOWS DARK SIDE OF NEW GOP

Classified By: Ambassador Barbara J. Stephenson for reason 1.4 b and d.

Summary

1. (S//NF) President Martinelli has reached out to the Embassy, among other actors, to request help in building infrastructure to conduct wiretaps against ostensible security threats as well as political opponents. The Ambassador has made it clear to the president that the USG will continue our successful judicialized law enforcement wiretap program with Panama, but we will not be party to any effort to expand wiretaps to domestic political targets. Martinelli's seeming fixation with wiretaps and his comments to Ambassador during an August 12 meeting demonstrate that he may be willing to set aside the rule of law in order to achieve his political and developmental goals. Martinelli has publicly declared that wiretapping will be a key law enforcement tool, and has submitted a draft wiretap bill to the national assembly. Civil liberties advocates are girding for a fight, and this issue could provide the first serious challenge to Martinelli's popularity.

"I Need Help"

2. (S//NF) Late last month Martinelli sent the Ambassador a cryptic Blackberry message that said, "I need help with tapping phones." The Ambassador, who was traveling outside Panama at the time, did not respond to the substance of the message, but directed DCM and DEA chief to meet with Martinelli's staff to get a better understanding of the president's request. DCM and DEA chief met Minister of the Presidency Jimmy Papadimitriu on July 29 and again August 1. The latter meeting also included chief of intelligence Jaime Trujillo and newly-appointed Security Secretary Jose Abel Almengor. Papadimitriu explained that the Martinelli administration's aggressive anti-corruption campaign is taking on powerful and corrupt individuals whose economic status is being threatened. He said some of those individuals may attempt to retaliate by threatening Martinelli's personal safety. In addition, Martinelli believes that his right-of-center political orientation makes him a target of leftist governments in the region who will attempt to infiltrate Panama's trade unions and destabilize the GOP. Papadimitriu said Martinelli believes he is not getting adequate information from Panama's security services to counter these potential threats, and that he hoped to gain greater insight by establishing a wiretap program.

3. (S//NF) DCM and DEA chief explained the USG's "Operation Matador" judicialized wiretap program which currently operates in conjunction with Panama's police and security services. They emphasized the requirement that all targets must be related to drug trafficking and related crimes, and that all taps must be approved by a Panamanian supreme court judge, following basic legal protections that are well-established in the U.S. The present program provides half of the wiretapped lines to the GOP for its own organized crime investigations, which could include national security targets. Under current procedures, DEA prepares an affidavit every 30 days which contains a list of DEA and GOP wiretap targets, which is reviewed and approved by the supreme court.

4. (S//NF) Papadimitriu, Trujillo and Almengor suggested that the current system did not allow the GOP enough flexibility to select targets, and mentioned short-fuse incidents such as kidnappings where rapid wiretap capability was needed. DCM and DEA chief countered that the technical capacity already exists, and that the GOP should explore a new rapid-response procedure for getting court orders that would authorize taps for emergency situations. DCM made very clear to

Papadimitriou that the USG would not assist in expanding the program to include domestic political targets. Papadimitriou laughed and said that Panama's security problems were far too serious to waste limited investigative capacity on political enemies.

Darker Intent

15. (S//NF) A recent conversation with President Martinelli, however, paints a less benign picture. On August 12 Vice President Juan Carlos Varela invited Ambassador, DCM and DEA chief to meet with him and Papadimitriou to discuss the issue further. Upon arrival at Varela's office, we were redirected to Martinelli's office as the president had taken over the meeting.

16. (S//NF) Martinelli opened by repeating his request for USG help to expand wiretaps, saying "we are in darkness" fighting against crime and corruption. He said it is not fair that DEA collects information but that Panama does not benefit from that information. He made reference to various groups and individuals whom he believes should be wiretapped, and he clearly made no distinction between legitimate security targets and political enemies. Martinelli suggested that the USG should give the GOP its own independent wiretap capability as "rent" in exchange for the use of GOP facilities.

17. (S//NF) The Ambassador forcefully defended the DEA program and pointed out that the jointly-investigated cases were taking criminals off of Panama's streets and making the country safer. Martinelli made an implicit threat to reduce counter-narcotics cooperation if the USG did not help him on wiretaps, to which the Ambassador promptly countered that she would readily inform Washington and we would all see Panama's reputation as a reliable partner plummet dramatically. Martinelli immediately backed off, and said he did not want to endanger cooperation.

18. (S//NF) Martinelli said the GOP could expand wiretaps on its own, but would rather have USG help. He said he had already met with the heads of Panama's four mobile phone operators and discussed methods for obtaining call data. The Ambassador reiterated the points made in our earlier meetings, that the current technical capacity was adequate and that the GOP should streamline its process for obtaining court orders for emergencies.

Naive and Dangerous

19. (S//NF) Martinelli's near-obsession with wiretaps betrays a simplistic and naive attitude toward the criminal investigative process. He appears to believe that wiretaps are the solution to all of his crime problems, and seems unable to grasp the concept that wiretaps are only one tool in the investigative process. We believe that he has tasked several subordinates to obtain wiretap capacity by reaching out to other governments and the private sector. His effort is an open secret among security professionals in Panama City. His behavior also tracks with an attitude of suspicion and vindictiveness we have seen since the early days of the campaign, when he was convinced that the PRD-controlled security service was tapping his phones. (Comment: This was very probably true.)

110. (S//NF) More worryingly, Martinelli seems prepared to dispense with legal procedure in order to achieve his reform agenda. During the August 12 meeting he proudly recounted to the Ambassador how, earlier that day, he had twisted the arms of casino operators and threatened to cancel their concessions if they did not pay their back taxes and cut their ties to the opposition political figures who had granted their generous concessions. Referring to businessmen who received corrupt concessions, Martinelli promised to "throw them to the sharks." He chided the Ambassador for being "too legal" in her approach to the issue of wiretaps.

111. (S//NF) Martinelli has visited the DEA/GOP wire room and

has been fully briefed on how the joint program operates. Our conversation made clear that he wishes to establish his own independent wire program under the cover of the DEA program. If he were able to establish such a program, he could blame it all on the gringos if it were exposed, which in this tiny country it inevitably would be. That could provoke a political backlash that would endanger the DEA wire program and its significant value to USG law enforcement. Martinelli's bullying style with the Ambassador made it clear that he is prepared to push the limit to get what he wants, even with his "friends." VP/FM Varela went out of his way to apologize to the Ambassador and to minimize fallout from the meeting, noting that he hates Martinelli's bluster but has not yet convinced him that whatever his persona is as "Ricardito," such behavior is inappropriate for the President of the Republic.

Big Fight Coming

¶12. (S//NF) The GOP last week introduced a draft bill to the national assembly that would require registry of prepaid cell phones and compel mobile operators to submit call data to the GOP for criminal investigations. Panama's outspoken "civilista" sector has already voiced its strong opposition to the bill. In addition to the wiretap bill, civil liberties advocates are deeply concerned about Martinelli's intent to defer modernization of the criminal code through transition to an accusatory system, as well as his moves to distance the new GOP from the process of civil society input to judicial policy dialogue established under the previous government. The noisy and potentially powerful forces who once resisted Manuel Noriega could unite in common cause over these issues to negatively impact Martinelli's popularity. At the very least, Martinelli's comportment manifests the autocratic tendencies which have long been predicted by friend and foe alike.

Comment:

¶13. (S//NF) A president only gets his "first hundred days" once, and Martinelli is spending his obsessing about vengeance against his political foes. Most of his government appointments have favored loyalty over competence. This is negatively affecting his ability to pursue his top priorities, as well as our bilateral cooperation on shared priorities. His penchant for bullying and blackmail may have led him to supermarket stardom but is hardly statesmanlike. He risks losing the good will of his backers in the Panamanian elite and business communities. Martinelli is not a member of Panama's traditional elite, and he could be on thin ice if his "anti-corruption" measures end up being seen primarily as shake-downs for fast cash.

¶14. (S//NF) Martinelli ran as a pro-U.S. candidate, and now assumes the U.S. owes him a debt as a right-of-center counterbalance to Hugo Chavez in the region. Our challenge is to convince him and others in his government that the 1980s are over in Central America. In our discussions with Panamanians across the board, we are emphasizing the message that the U.S. has no interest in a left-right divide in the hemisphere, but rather in long-term institutional stability. Our desire is that ten years from now, Panama is a stable, secure, democratic, prosperous country which is friendly to the U.S. and capable of administering and protecting the Canal.

¶15. (S//NF) In addition to sending that message, we are carefully directing embassy programs to take advantage of new opportunities, for example a reinvigorated effort to reach "youth at risk" and reduce street crime, while avoiding potential pitfalls, particularly in the security arena. Our wiretap program, which works well and upholds the rule of law, would easily withstand public scrutiny were it to come to light. We are coordinating closely with counterparts in the Council for National Security and Public Defense (Consejo) to meet our own collection requirements, but we must remain vigilant against the danger of local officials trying to commandeer the program for internal political

games. We must be able to defend every action we take and in doing so make ourselves immune to threats to reveal our programs if we don't cave to pressure. Close coordination by all USG agencies with Embassy Panama City is therefore more important than ever.

STEPHENSON